



# House of Representatives

General Assembly

**File No. 532**

February Session, 2000

Substitute House Bill No. 5298

*House of Representatives, April 11, 2000*

The Committee on Appropriations reported through REP. DYSON of the 94<sup>th</sup> Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***An Act Concerning Grandparents Caring For Grandchildren And Foster Care Subsidies.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-126 of the general statutes, as amended by  
2 public act 99-251, is repealed and the following is substituted in lieu  
3 thereof:

4 (a) As used in this section, "relative caregiver" means a person who  
5 is caring for a child related to such person because the parent of the  
6 child has died or become otherwise unable to care for the child for  
7 reasons that make reunification with the parent not a viable option  
8 within the foreseeable future and "commissioner" means the  
9 Commissioner of Children and Families.

10 (b) The Commissioner of Children and Families shall establish a  
11 program of subsidized guardianship for the benefit of [children] any  
12 child in the care or custody of the commissioner who [are] is living

13 with a relative [caregivers] caregiver and who [have] has been in foster  
14 care or certified relative care for not less than [eighteen] twelve months  
15 [. The commissioner, within available appropriations, may establish a  
16 program of subsidized guardianship for the benefit of children in the  
17 care or custody of the commissioner who are living with relative  
18 caregivers and who have been in foster care or certified relative care  
19 for not less than twelve but not more than eighteen months] or who is  
20 living with a relative caregiver who has been appointed guardian or  
21 coguardian of the child by any court of competent jurisdiction because  
22 the parent of the child has died or is terminally ill and the child is at  
23 risk of foster placement and the income of the relative caregiver is less  
24 than three hundred per cent of the federal poverty level. A relative  
25 caregiver may request a guardianship subsidy from the commissioner.  
26 If adoption of the child by the relative caregiver is an option, the  
27 commissioner shall counsel the caregiver about the advantages and  
28 disadvantages of adoption and subsidized guardianship so that the  
29 decision by the relative caregiver to request a subsidized guardianship  
30 may be a fully informed one.

31 (c) The subsidized guardianship program shall provide the  
32 following subsidies for the benefit of any child in the care of a relative  
33 caregiver who has been appointed the guardian or coguardian of the  
34 child by any court of competent jurisdiction: (1) A special-need  
35 subsidy, which shall be a lump sum payment for one-time expenses  
36 resulting from the assumption of care of the child when no other  
37 resource is available to pay for such expense; and (2) a medical subsidy  
38 comparable to the medical subsidy to children in the subsidized  
39 adoption program if the child lacks private health insurance. The  
40 subsidized guardianship program shall also provide a monthly  
41 subsidy on behalf of the child payable to the relative caregiver that  
42 shall be equal to the prevailing foster care rate for children who have  
43 been in the care or custody of the commissioner, and for children who  
44 are not in the care or custody of the commissioner, a monthly subsidy  
45 that shall be equal to the prevailing foster care rate less the amount of

46 any benefits for survivors under the Social Security Act, federal Social  
47 Security disability or temporary family assistance that the child is  
48 currently receiving. The commissioner may establish an asset test for  
49 eligibility under the program that shall apply only to the child's assets.

50 (d) The commissioner shall adopt regulations in accordance with  
51 chapter 54 implementing the subsidized guardianship program  
52 established under this section. Such regulations shall require, as a  
53 prerequisite to payment of a guardianship subsidy for the benefit of a  
54 minor child, that a home study report be filed with the court having  
55 jurisdiction of the case of the minor within fifteen days of the request  
56 for a subsidy, provided that no such report shall be required to be filed  
57 if a report has previously been provided to the court or if the caregiver  
58 has been determined to be a certified relative caregiver by the  
59 commissioner. The regulations shall also establish a procedure  
60 comparable to that for the subsidized adoption program to determine  
61 the types and amounts of subsidy to be granted by the commissioner  
62 as provided in subsection (c) of this section, for annual review of the  
63 subsidy as provided in subsection (e) of this section and for appeal  
64 from decisions by the commissioner denying, modifying or  
65 terminating such subsidies.

66 (e) The guardianship subsidy provided under this section shall  
67 continue until the child reaches the age of eighteen or the age of  
68 twenty-one if such child is in full time attendance at a secondary  
69 school, technical school or college or is in a state accredited job training  
70 program. Annually, the subsidized guardian shall submit to the  
71 commissioner a sworn statement that the child is still living with and  
72 receiving support from the guardian. The parent of any child receiving  
73 assistance through the subsidized guardianship program shall remain  
74 liable for the support of the child as required by the general statutes.

75 (f) A guardianship subsidy shall not be included in the calculation  
76 of household income in determining eligibility for benefits of the

77 relative caregiver of the subsidized child or other persons living within  
78 the household of the relative caregiver.

79 (g) Payments for guardianship subsidies shall be made from  
80 moneys available from any source to the commissioner for child  
81 welfare purposes. The commissioner shall develop and implement a  
82 plan that: (1) Maximizes use of the subsidized guardianship program  
83 to decrease the number of children in the legal custody of the  
84 Commissioner of Children and Families and to reduce the number of  
85 children who would otherwise be placed into foster care when there is  
86 a family member willing to provide care; (2) maximizes federal  
87 reimbursement for the costs of the subsidized guardianship program,  
88 provided whatever federal maximization method is employed shall  
89 not result in the relative caregiver of a child being subject to work  
90 requirements as a condition of receipt of benefits for the child or the  
91 benefits restricted in time or scope other than as specified in subsection  
92 (c) of this section; and (3) ensures necessary transfers of funds between  
93 agencies and interagency coordination in program implementation.  
94 The Commissioner of Children and Families shall seek all federal  
95 waivers as are necessary and appropriate to implement this plan.

96 (h) There is established a grandparents-as-parents program within  
97 the Department of Social Services to provide support for grandparents  
98 who raise a grandchild. The program shall provide a clearinghouse of  
99 information regarding services available in the state for relative  
100 caregivers. The grandparents-as-parents program shall also provide  
101 training on the needs of relative caregivers and available services. The  
102 training shall be offered to relevant professionals, including, but not  
103 limited to, case workers within the Department of Children and  
104 Families and the Department of Social Services and staff of any court  
105 of competent jurisdiction.

106 Sec. 2. This act shall take effect July 1, 2000.

**Statement of Legislative Commissioners:**

In subsection (h) "as defined in subsection (a) of this section" was deleted as redundant.

|            |                        |     |    |     |   |         |         |
|------------|------------------------|-----|----|-----|---|---------|---------|
| <b>AGE</b> | <b>Committee Vote:</b> | Yea | 11 | Nay | 0 | JFS     | C/R HS  |
| <b>HS</b>  | <b>Committee Vote:</b> | Yea | 14 | Nay | 4 | JF      | C/R APP |
| <b>APP</b> | <b>Committee Vote:</b> | Yea | 47 | Nay | 0 | JFS-LCO |         |

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Revenue Loss, Savings, Significant Cost, Cost

**Affected Agencies:** Departments of Children and Families, Social Services

**Municipal Impact:** None

**Explanation****State Impact:**

This bill shortens the time period after which a child may be eligible for the current subsidized guardianship program operated by the Department of Children and Families (DCF), establishes a similar new benefit for certain children living with relative guardians or co-guardians who have been orphaned or have a terminally ill parent, and establishes a Grandparents-as-Parents program under the Department of Social Services (DSS).

**Modify Subsidized Guardianship Program**

An estimated 200 – 300 additional children will be deemed eligible for the DCF's subsidized guardianship program due to shortening from eighteen to twelve months the length of time that a child must have been in relative foster care prior to being eligible for consideration for a guardianship benefit. Under current law the commissioner may extend eligibility for those in relative care at least

twelve months, but this discretionary authority has been relied upon infrequently.

Federal financial participation ceases for Title IV-E eligible foster children when they are accepted into the subsidized guardianship program. This will result in an estimated annual revenue loss of between \$580,000 - \$870,000, based upon an anticipated average benefit of \$8,318 annually and Title IV-E eligibility of seventy percent.

The State would experience savings since children in subsidized guardianship are not counted on the Department of Children and Families' caseload for purposes of determining staffing ratios pursuant to the Juan F. vs. Rowland Consent Decree. On an annualized basis it would be anticipated that savings of between \$450,000 - \$675,000 would result.

A total of 195 children were receiving subsidized guardianship benefits as of March 2000. An additional 200 foster children have a current permanency plan which calls for the transfer of guardianship to their relative foster family. It is assumed that these children will be processed before any deemed newly eligible as a result of this bill. A home study and comprehensive background check are performed before a child can be released from foster care, thus contributing to a gradual enrollment of eligible children. Therefore, the figures stated above should be interpreted to be annualized revenue and expenditure impacts once full enrollment is accomplished. It cannot be determined at this time at what date this would occur.

#### **Establish Subsidy for Selected Children Living with Relative Guardians**

The bill extends eligibility for the subsidized guardianship program to a child

- living with a relative guardian or co-guardian because the

child's parent has died or is terminally ill,

- who is "at risk of foster placement," and
- the child's relative caregiver's income is below 300 percent of the federal poverty level.

This change extends eligibility for a financial payment (of up \$8,318 annually, adjusted downward based upon the child's assets and income) to children who are not currently receiving foster benefits.

It is estimated that 150 – 300 children who experienced the death of a parent would be found eligible. Assuming average offsetting income to the child of \$350 monthly, the annual cost to the DCF to support benefit payments would fall between \$620,000 - \$1.2 million. These costs would be supplemented to the extent that subsidies are requested on behalf of children living with relative guardians due to the terminal illness of a parent. The number of such children cannot be determined at this time.

The DCF would incur a first year administrative cost of \$110,000 - \$150,000 for staff support and associated other expenses needed to process applications and verify relative caregiver income statements. In subsequent fiscal years this cost would fall to about \$40,000, to reflect continuing support of one staff person, as only children entering guardianship placements would seek benefits. It is uncertain in which year these costs would first be experienced as it is assumed that the DCF would adopt implementing regulations prior to establishing the program.

No funding has been included within either the Senate or House versions of the Revised FY 01 Appropriations Act to pay for this new benefit.

### **Grandparents-as-Parents**



Lastly, the bill requires the Department of Social Services to institute a “grandparents-as-parents” program. This will result in an FY 01 cost to the DSS of \$75,000 - \$100,000. No funding has been included within either the Senate or House versions of the budget to pay for this new program.

**OLR Bill Analysis****sHB 5298*****AN ACT CONCERNING GRANDPARENTS CARING FOR GRANDCHILDREN AND FOSTER CARE SUBSIDIES.*****SUMMARY:**

This bill (1) reduces, from 18 to 12 months, the time a child must have been in Department of Children and Families' (DCF) foster care or certified relative care to qualify for its subsidized guardianship program; (2) eliminates the commissioner's discretion, within available appropriations, to provide subsidies for those who have been in foster or relative care between 12 and 18 months; (3) allows relative caregivers appointed as guardians or coguardians by either Probate or Superior courts to qualify for the same subsidy under certain conditions; and (4) establishes the Grandparents As Parents program within the Department of Social Services (DSS) to provide support and information for grandparents raising grandchildren and training on their needs for relevant professionals.

EFFECTIVE DATE: July 1, 2000

**SUBSIDY FOR COURT-APPOINTED RELATIVE CAREGIVERS**

The bill makes guardians or coguardians appointed by any court of competent jurisdiction (namely, the Probate and Superior courts) because a child's parent has died or is terminally ill eligible, apparently without a waiting period, for the same subsidy as guardians appointed after caring for children in DCF care or custody if they meet certain conditions.

To be eligible, (1) the child must be at risk of foster placement and (2) the relative caregiver's income must be less than 300% of the federal poverty level (FPL). FPL is calculated according to the size of the family unit; for instance 300% of FPL is \$25,050 for a 1-person family, \$33,750 for a 2-person family, and \$42,450 for a 3-person family. (It is not clear whether the subsidized child is counted in the relative

caregivers' family for calculating the FPL.)

Guardians of children who were in DCF care receive the same subsidy as foster parents. The bill requires the subsidy for children who were not in DCF care to equal the prevailing foster care rate minus any Social Security survivor's or disability benefits or temporary family assistance the child receives.

## **ASSET TEST**

Current law allows the DCF commissioner to establish an asset test for eligibility. The bill specifies that this test applies only to the child's assets.

## **BACKGROUND**

### ***Commissioner's Discretion***

PA 99-251 allows DCF, within available appropriations, to subsidize guardianships for children who have been in foster or relative care between 12 and 18 months.

### ***Subsidy Amounts***

Relative caregivers under the DCF program receive the same subsidy as unrelated foster parents, currently about \$657 a month for a child under five years old, \$676 for one between six and 11, and \$745 for one 12 or older. They also receive a medical care subsidy if the child is not otherwise covered by health insurance and a one-time payment for expenses associated with assuming care.

### ***Grandparents as Parents***

This program, not currently in statute, was started in DSS's Elderly Services Division with a two-year grant from the Brookdale Foundation, which expires June 30, 2000. The bill makes it permanent.

## **COMMITTEE ACTION**

Select Committee on Aging

Joint Favorable Substitute Change of Reference

Yea 11      Nay 0

Human Services Committee

Joint Favorable Report

Yea 14      Nay 4

Appropriations Committee

Joint Favorable Report

Yea 47      Nay 0